

On August 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21363. Misbranding of butter. U. S. v. 6 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30728. Sample no. 43261-A.)

This action involved a shipment of butter, which was found to be short weight.

On June 24, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six 50-pound boxes of butter at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about June 19, 1933, from the premises of Peter Hernig Sons, Philadelphia, Pa., to the premises of Peter Hernig Sons, Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Parchment wrapper) "One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21364. Adulteration of dried apple pulp. U. S. v. 812 Sacks of Dried Apple Pulp. Default decree of destruction. (F. & D. no. 30712. Sample no. 41214-A.)

This action involved a shipment of dried apple pulp which was found to contain arsenic and lead in amounts which might have rendered it injurious to health.

On July 11, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 812 sacks of dried apple pulp at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 15, 1933, by John C. Morgan Co., from Traverse City, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 31, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21365. Misbranding of vinegar. U. S. v. 934 Cases of Vinegar. Product released to be relabeled. (F. & D. no. 30682. Sample no. 36182-A.)

Examination of samples of vinegar from the shipment involved in this case showed that the bottles contained less than the declared volume, also that the statement of volume was not made in terms of liquid measure.

On June 29, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 934 cases of vinegar at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about October 4, 1932, by Jones Bros. Co., from Albina, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Pure Cider Vinegar Contents 32 Oz. Jones Bros. Co., Inc. Portland, Ore."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 32 Oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the

bottles contained less than the declared volume, and the statement of the quantity of the contents was not declared in terms of liquid measure.

On August 9, 1933, U. B. Newman, representing the Jones Bros. Co., having appeared as claimant and admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant to be relabeled so that it conform in all respects with Government regulations.

M. L. WILSON, *Acting Secretary of Agriculture.*

21366. Misbranding of olive oil. U. S. v. 23 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 30577. Sample no. 32141-A.)

This case involved a shipment of olive oil, sample cans of which were found to contain less than 1 gallon, the volume declared on the label.

On June 12, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 gallons of olive oil at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about March 2, 1933, by Ossola Bros., Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "1 gallon net grande Italia brand extra of sublime Virgin Olive Oil."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the words, "One Gallon", be obliterated from the can label and that the article be sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21367. Adulteration and misbranding of jams and jellies. U. S. v. Grocers Specialty Co. Plea of guilty. Fine of \$100 imposed on each of 42 counts. Sentence suspended. (F. & D. no. 29412. I.S. nos. 21329, 21346, 21348, 21363, 21364, 21365.)

This case was based on various shipments of imitation jams and jellies labeled to convey the impression that they were compound jams and pectin jellies, respectively. The strawberry and raspberry jams contained undeclared artificial color. The loganberry jam contained less than the 25 percent of fruit declared on the label. The jellies contained undeclared artificial color, and probably a small amount of fruit, not sufficient, however, to give them a characteristic fruit flavor.

On July 13, 1933, the Grand Jurors of the United States for the Southern District of California, acting upon a report by the Secretary of Agriculture, presented in the district court an indictment against the Grocers Specialty Co., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, in various shipments, on or about August 18, August 20, and September 4, 1931, respectively, from the State of California into the State of Arizona, of quantities of jams and jellies which were adulterated and misbranded. The jams were labeled, "Grandma's [or 'American Beauty'] Compound Pectin Sugar Strawberry [or 'Raspberry,' or 'Loganberry'] Jam Fruit Acid Added 25% Strawberry [or 'Raspberry' or 'Loganberry'] 55% Sugar 20% Pectin Packed by Grocers Specialty Co., Inc., Los Angeles, California", together with designs of strawberries, raspberries, or loganberries. The jellies were labeled in part: "Peacock Brand Strawberry [or 'Raspberry'] And Pectin Jelly Fruit Acid Added", together with designs showing strawberries or raspberries and a peacock.

It was alleged in the indictment that the strawberry and raspberry jams were adulterated in that artificially colored imitation jams had been substituted for compound pectin sugar strawberry (or raspberry) jam, which the articles purported to be. Adulteration of the loganberry jam was alleged for the reason that an imitation jam had been substituted for compound pectin sugar loganberry jam, which the article purported to be. Adulteration of the jellies was alleged, in that artificially colored imitation jellies had been sub-